IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

R.S.A No. 447 of 2007 (O&M)
Date of Decision : 16.11.2007

Om Parkash

.....Appellant

Versus

Ram Chander &Anr.

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.Vinod S. Bhardwaj, Advocate
for the appellant.

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VINOD K. SHARMA, J. (ORAL)

C.M. No. 10123-C of 2007

For the reasons stated in the application, the order dated 11.10.2007 is recalled and the case is ordered to be restored to its original number.

C.M. stands allowed.

R.S.A No. 447of 2007

This regular second appeal has been filed against the judgments and decrees passed by the learned Courts below vide which suit filed by the plaintiff appellant for permanent injunction, has been ordered to be dismissed.

The plaintiff claimed himself to be owner in possession of the property and sought injunction against the defendants i.e. brothers of the plaintiff, from interfering in his peaceful possession of the property.

However, the learned Courts below noticed that in earlier suit filed by the defendant, the plaintiff appellant had admitted that he was only

in possession of half of the share whereas other half was in possession of the respondent defendants. The revenue record did not support the case of the plaintiff appellant. Consequently, it was held that the plaintiff appellant has failed to prove that he was owner in possession of whole of the property in dispute. Rather plaintiff appellant was in possession being owner to the extent of only half share, and the respective parties have constructed their houses on their share of land.

No ground is made out to interfere with the concurrent findings of fact recorded by the learned Courts. Nor any question of law muchless substantial question of law arises for consideration in this appeal.

Dismissed in limine.

16.11.2007 **(VINOD K. SHARMA)**
'sp' **JUDGE**